THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 4th day of April,2007

W.P.No.9620 of 1998

Between:-

M. Kanakaiah … Petitioner

and

The Primary Agricultural
Cooperative Society Limited,
Vangapahad, Hasanparthy Mandal,
Warangal District, rep. by its
Person-in-charge and others … Respondents

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W.P.No.9620 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to call for the records relating to Proceedings of the 2nd respondent in Rc.No.943/97-D, dated 26-3-1998 directing the 1st respondent to recover the enhanced salary from the petitioner from 1-4-1996 and stop paying the enhanced salary and quash the same as arbitrary, illegal and contrary to Government Memo No.5661/Coop./III/2/91-1, dated 14-10-1991.

It appears, the petitioner was working as a Secretary of the 1st respondent-Society. He had drawn salary as per the Government Memo dated 14-10-1991. A resolution was also passed by the society to give effect to the revised pay scales and he was paid salary accordingly. However, under the impugned Order, the 1st respondent was directed to recover the enhanced salary paid from 1-4-1996.

Learned counsel for the petitioner states that the impugned Order was passed under a misconception. Petitioner is entitled for enhancement of the salaries as per Government Memo dated 14-10-1991 as adopted by the 1st respondent-Society. In the meanwhile, the said Memo was withdrawn by the Government and that was a subject of a Writ Petition before this Court. However, this Court upheld the withdrawal of the Memo dated 14-10-1991. Thereafter, after careful consideration of the entire issue, Government issued G.O.Ms.No.308,

Agriculture and Cooperation (Coop.VI) Department, dated 30-12-1996 regulating the salaries paid to the Secretaries of the Primary Agricultural Cooperative Societies under Government Memo dated 14-10-1991.

In the facts and circumstances, the interim order dated 9-4-1998 staying recovery of the amount from the salary of the petitioner pursuant to the impugned Order dated 26-3-1998 is made absolute.

Accordingly, the Writ Petition is disposed of treating the interim order as a final order. No order as to costs.

04-4-2007

prk